

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
TRACEY A. KENNEDY, Cal. Bar No. 150782
3 333 South Hope Street, 43rd Floor
Los Angeles, California 90071-1422
4 Telephone: 213-620-1780
Facsimile: 213-620-1398
5 tkennedy@sheppardmullin.com

6 PATRICIA M. JENG, Cal. Bar No. 272262
REANNE SWAFFORD-HARRIS, Cal. Bar No. 305558
7 Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
8 Telephone: 415.434.9100
Facsimile: 415.434.3947
9 E mail pjeng@sheppardmullin.com
rswafford-harris@sheppardmullin.com

10 Attorneys for Defendants,
11 TESLA, INC. DBA TESLA MOTORS, INC.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 DEMETRIC DI-AZ, OWEN DIAZ AND
LAMAR PATTERSON

16 Plaintiffs,

17 v.

18 TESLA, INC. DBA TESLA MOTORS,
19 INC., CITISTAFF SOLUTIONS, INC.;
WEST VALLEY STAFFING GROUP;
20 CHARTWELL STAFFING SERVICES,
INC.; NEXTSOURCE, INC.; and
21 DOES 1-10, inclusive

22 Defendants.

Case No. 17-cv-06748-WHO

**[PROPOSED] ORDER GRANTING
DEFENDANT TESLA INC.'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL IN SUPPORT
OF DEFENDANT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Date: December 18, 2019
Time: 2:00 p.m.
Courtroom: 2, 17th Floor
Judge: Hon. William H. Orrick

Trial date; March 2, 2020
Complaint filed: October 16, 2017

*[Filed concurrently with Defendant's
Administrative Motion to File Documents Under
Seal and Declaration of Patricia M. Jeng in
Support of Defendant's Motion]*

PROPOSED ORDER

Pursuant to Local Rules 7-11 and 79-5, as well as this Court's Standing Order regarding administrative motions to seal, Defendant Tesla, Inc., dba Tesla Motors, Inc., has filed an Administrative Motion to File Documents Under Seal in Support of its Motion for Partial Summary Judgment. Having considered the Administrative Motion and the supporting Declaration of Patricia M. Jeng in support thereof, the pleadings on file, and all other relevant materials, the Motion is hereby GRANTED.

IT IS HEREBY ORDERED that the following materials shall be maintained under seal:

Document	Portion(s) To Be Sealed	Basis for Sealing
Exhibit 1: Deposition of Owen Diaz, taken on May 22, 2018 and Deposition Exhibits.	Excerpts from Owen Diaz's May 22, 2018 deposition testimony and Deposition Exhibit No. 13 (Bate stamped TESLA-0000043 – TESLA-000046) and Deposition Exhibit No. 24 (Bate stamped TESLA-0000001)	Marked confidential pursuant to Protective Order. Dkt. 50. Exhibit 1 is further sealed because the testimony and Exhibits contain private information related to a Tesla employee's or contractor's work history, and contains private medical information about a third-party, a family member, not involved in this litigation.
Exhibit 2: Deposition of Owen Diaz, taken on December 3, 2018.	Excerpts from Owen Diaz's December 3, 2018 deposition testimony	Marked confidential pursuant to Protective Order. Dkt. 50. Exhibit 2 is further sealed because the testimony contains information that would constitute an invasion of privacy.
Exhibit 4: Deposition of Demetric Di-az, taken on May 15, 2018.	Excerpts from Demetric Di-az's May 15, 2018 deposition testimony	Marked confidential pursuant to Protective Order. Dkt. 50. Exhibit 4 is further sealed because the testimony contains information that would constitute an invasion of privacy. Additionally, the testimony reveals internal confidential messages related to employee misconduct and to sensitive investigations regarding the same matters, which could harm Tesla by disclosing its internal procedures and tools for conducting investigations.

Document	Portion(s) To Be Sealed	Basis for Sealing
Exhibit 5: Deposition of Demetric Di-az, taken on December 4, 2018.	Excerpts from Demetric Di-az's December 4, 2018 deposition testimony	Marked confidential pursuant to Protective Order. Dkt. 50. Exhibit 5 is further sealed because the testimony contains information that would constitute an invasion of privacy.
Exhibit 10: Exhibits to Deposition of Edward Romero, taken on November 30, 2018.	Deposition Exhibits from Edward Romero's November 30, 2018 deposition: Deposition Exhibit No. 42 (Bate stamped TESLA-0000510); Deposition Exhibit No. 43 (Bate stamped TESLA-0000511); Deposition Exhibit No. 55 (Bate stamped TESLA-0000641); Deposition Exhibit No. 56 (Bate stamped TESLA-0000135 – TESLA-0000136); Deposition Exhibit No. 65 (Bate stamped TESLA-0000127- TESLA-0000128)	Marked confidential pursuant to Protective Order. Dkt. 50. Exhibit 10 is further sealed because the testimony contains information that would constitute an invasion of privacy. Additionally, the Exhibits from the deposition reveal internal confidential messages related to employee misconduct and to sensitive investigations regarding the same matters, which could harm Tesla by disclosing its internal procedures and tools for conducting investigations.
Exhibit 12: Exhibits to Deposition of Victor Quintero, taken on June 7, 2018.	Deposition Exhibits from Victor Quintero's June 7, 2018 deposition: Deposition Exhibit No. 38 (Bate stamped TESLA-00000020-TESLA-0000024); Deposition Exhibit No. 39 (Bate stamped TESLA0000025-TESLA0000029)	Marked confidential pursuant to Protective Order. Dkt. 50. Exhibit 12 is further sealed because the testimony contains information that would constitute an invasion of privacy. Additionally, the Exhibits from the deposition reveal internal confidential messages related to employee misconduct and to sensitive investigations regarding the same matters, which could harm Tesla by disclosing its internal procedures and tools for conducting investigations.
Exhibit 17: Exhibits to Deposition of Wayne Jackson, taken on May 17, 2019.	Deposition Exhibits from Wayne Jackson's May 17, 2019 deposition: Deposition Exhibit No. 123 (Bate stamped TESLA-0000629 – TESLA-0000630); Deposition Exhibit No. 124 (Bate stamped TESLA-0000635-TESLA-0000636); Deposition	Marked confidential pursuant to Protective Order. Dkt. No. 50. Exhibit 17 is further sealed because the testimony contains information that would constitute an invasion of privacy. Additionally, the Exhibits from the deposition reveal internal

Document	Portion(s) To Be Sealed	Basis for Sealing
	Exhibit No. 125 (Bate stamped TESLA-0000644); Deposition Exhibit No. 128 (Bate stamped TESLA-0000020 – TESLA-0000024)	confidential messages related to employee misconduct and to sensitive investigations regarding the same matters, which could harm Tesla by disclosing its internal procedures and tools for conducting investigations.

IT IS SO ORDERED.

DATED: _____

The Hon. William H. Orrick
U.S. District Court, Northern District of California